



1545 Crabapple Lane, Plainfield, NJ 07060 (201) 320-2006 www.voicenj.com

August 1, 2011

Mr. William T. Lake  
Chief, Media Bureau  
Federal Communications Commission  
445 12th Street SW  
Washington, DC 20554

re: Application for Renewal of Station License of WWOR-TV  
File No. BRCT-20070201AJT and MB Docket No. 07-260

Dear Mr. Lake:

Voice for New Jersey (VNJ) wishes to express our thanks to you for undertaking an investigation of the misrepresentations and lack of candor evidenced by Fox Television Stations, Inc. (Fox) in connection with its application for the renewal of the station license for WWOR-TV. We are gratified that the Commission shares our concern regarding these issues.

The Commission has accorded permit-but-disclose status under the *ex parte* rules with respect to the captioned proceeding. Accordingly, we would like to offer our comments on the April 4, 2011 letter to the Commission from Antoinette Cook Bush, counsel to Fox Television Stations, Inc., which provides information responsive to your inquiries in this matter. This letter (the "Response Letter") appears in itself to manifest a disturbing lack of candor, and only increases our level of concern regarding the quality of the information that Fox is providing to the Commission.

#### Confirmation of Fox's Misrepresentations

Before going further, it is useful to observe that the Response Letter serves as confirmation of all of VNJ's past assertions to the Commission<sup>1</sup> regarding the inaccuracy of Fox's representations as to the station's staffing and levels of news and public affairs programming.

<sup>1</sup> Letter dated November 27, 2009 to Julius Genachowski, Chairman, FCC from Donna Sandorse, Member, Voice for New Jersey, MB Docket No. 07-260 (11/30/2009); Letter dated February 15, 2010 to Julius Genachowski, Chairman, FCC from Charles Lovey, Member, Voice for New Jersey MB Docket No. 07-260 (2/16/2010).

In its August 26, 2009 letters<sup>2</sup>, Fox claimed that WWOR-TV then broadcast more than 8.0 hours of news and public affairs programming per week, and that 250 people were then employed at the station's Secaucus headquarters.

In the Response Letter, Fox presents a different set of facts. Fox now represents that WWOR-TV broadcast only 205 minutes (3.42 hours) of news per week when the August 26 letters were sent, and that the station employed only 205 people at that time. (VNJ believes that this figure remains grossly inflated; this issue is discussed in detail below).

### Fox's Ongoing Denials

One might reasonably expect Fox to acknowledge these obvious and unambiguous errors. They might even see fit to offer an apology to the Commission. Instead they write: "Fox does not concede that Exhibit A to the August 26 letters was misleading (or incorrect in a material way) when it was submitted."<sup>3</sup> Fox characterizes the Commission's investigation into the matter as "an unwarranted and constitutionally insensitive inquiry."<sup>4</sup>

Maintaining this leitmotif of unreality, Fox continues to erroneously claim that it promptly corrected the errors in the August 26 Exhibit (errors that it denies making in the first place, per the above statement). In response to the Commission's direct inquiries, Fox asserts that "any actual, potential, or perceived incorrect or misleading information in the August 26 Letters was corrected in connection with the September 4 Letter."<sup>5</sup>

We've covered this ground before<sup>6</sup>, but it bears repeating: Fox's actions in altering the Exhibit A attachment between the issuance of the August 26 and September 4 letters was plainly designed to conceal-- rather than correct-- its misrepresentations. By making subtle alterations to verb tense in the September 4 Exhibit, Fox did not correct its prior misrepresentations; in fact it repeated them, but in a limited timeframe. Further, the revised Exhibit was never supplied to the eight staff members who received the original version-- members of the Media Bureau who are critically involved in the station's license renewal. These staff members included the Commission's Media Bureau Chief, General Counsel, and Deputy General Counsel. In fact, only two members of the Commission staff attended subsequent meetings and received the revised Exhibit.

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<sup>2</sup> Letters dated August 26, 2009 to Marlene Dortch, Secretary, FCC from Jared S. Scher, Counsel to Fox Television Stations, Inc., Exhibit A, MB Docket No. 07-260 (8/26/2009).

<sup>3</sup> Letter dated April 4, 2011 to Marlene Dortch, Secretary, FCC from Antoinette Cook Bush, Counsel to Fox Television Stations, Inc. (the "Response Letter"), MB Docket No. 07-260 (4/8/2011), p. 44

<sup>4</sup> Ibid., p. 2

<sup>5</sup> Ibid., p.34

<sup>6</sup> Op. cit., Lovey letter dated February 15, 2010 to Julius Genachowski, p. 3 - 4.

To have any credible claim that the misrepresentations in the August 26 letters were corrected, Fox would need to produce a document specifically retracting its false statements. Fox has failed to identify any such document.

Instead, recognizing that its claim to have corrected the record would otherwise remain wholly unsupported, Fox has produced a declaration by Dennis Swanson, President of Station Operations for Fox Television Stations, Inc. Mr. Swanson states that, in two meetings on September 23, 2009, he told Commissioners Clyburn and Baker that WWOR-TV had reduced staffing by approximately 35%, and had cut its daily newscast from one hour to 30 minutes.

There are two key points to keep in mind while considering Mr. Swanson's declaration.

First, his account of the meeting differs substantially from the contemporaneous account of the meeting prepared by Maureen O'Connell, the Senior Vice President of Government and Regulatory Affairs for News Corporation.<sup>7</sup> Ms. O'Connell prepared and filed with the Commission a notice of ex parte presentation only a day after the meetings referenced by Mr. Swanson took place. In this filing, Ms. O'Connell indicates that both she and Joe DiScipio, Vice President, Legal and FCC Compliance for Fox Television Stations, Inc. were present during both of the referenced meetings.

We have attached a copy of Ms. O'Connell's letter for reference as Exhibit A. Her complete description of the September 23, 2009 meetings is as follows:

*Mr. Swanson described the exemplary service that WWOR-TV has provided, and continues to provide, to television viewers in Northern New Jersey. Mr. Swanson also explained how the global financial crisis has dramatically hurt the station's economic fortunes. Furthermore, he pointed out that once the financial crisis ends, WWOR-TV still will have to compete against a whole variety of alternative media, from cable and satellite channels to the Internet - all of which are luring away more and more of the advertising dollars that have comprised WWOR-TV's revenue stream. Given all of these difficulties, and especially in light of how well WWOR-TV continues to serve New Jersey notwithstanding these challenges, Mr. Swanson urged the Commission not to impose on the station onerous conditions that no other broadcaster is forced to confront.*

Ms. O'Connell's description of WWOR-TV's "exemplary service" to northern New Jersey in this filing ironically echoes the caption to the very section of the August 26 letter where Fox misrepresented WWOR's programming and staffing. Her use of the phrase "has provided, and continues to provide" further suggests an ongoing commitment to maintain these historical programming and staffing levels. Her references to the global financial crisis and competition from alternative media are presented as reasons for the Commission not to impose

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<sup>7</sup> Letter dated September 24, 2009 to Marlene Dortch, Secretary, FCC from Maureen O'Connell, News Corporation, MB Docket No. 07-260 (9/25/2009).

new conditions on the WWOR station license, not as justifications for programming and staffing cuts that had already been made.

There is no mention of changes to WWOR's news programming in Ms. O'Connell's otherwise detailed account, nor is there any mention of the station's staff reductions. In short, there is nothing here to corroborate the statements in Mr. Swanson's declaration that he corrected Fox's prior misrepresentations relating to WWOR-TV's programming and staffing. Indeed, Ms. O'Connell's account of the meetings does just the opposite.

Secondly, and of perhaps greater importance, it is impossible to reasonably construe Mr. Swanson's comments at the September 23, 2009 meetings as a correction of Fox's misrepresentations, even if the recollections described in his declaration are completely accurate.

By any rational standard, a correction to a prior statement must meet at least three threshold requirements: the error in the prior statement must be identified, the corrected information must be clearly stated, and both of these elements must be communicated to the recipients of the prior statement. Judged as a "correction," Mr. Swanson's recollection of his statements at the September 23, 2009 meetings fails on all three counts.

None of the parties who were copied on the August 26 letter attended the September 23, 2009 meetings. There is nothing in Mr. Swanson's statement to suggest that he identified the errors in Fox's prior filings at the meetings. Nor is there anything to suggest that his comments on WWOR's programming and staffing levels were more than passing references while discussing the station's weakened financial condition as a result of global financial conditions. Fox well knows that the only appropriate correction to a written filing with the Commission would be a new filing that specifically identifies, references and corrects the misrepresentations in the erroneous document.

#### Fox Has Failed to Produce Documents Responsive to the FCC's Investigation

The non-existence of any corrections by Fox to its misrepresentations in this matter is obvious and beyond rational dispute. Accordingly, it is equally obvious that Fox's decision to withhold documents critical to the Commission's investigation is predicated on a self-serving and thoroughly disingenuous logical fiction that is wholly without merit.

In its February 17, 2011 letter<sup>8</sup>, the Commission unambiguously asks Fox to:

*Identify and provide copies of all documents, whether or not such documents were submitted to the Commission, other than the letters specifically referenced herein, that discuss, reference, or cure any actual, potential, or perceived incorrect or*

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<sup>8</sup> Letter dated February 17, 2011 to Fox Television Stations, Inc. from William Lake, Chief, Media Bureau, FCC, DA 11-314, MB Docket No. 07-260 (2/17/2011), p. 5

*misleading information in Exhibit A or any other submission made by the Licensee in this proceeding.*

It is self-evident that the scope of the Commission's inquiry includes, among other things, documentation relating to Fox's review and response to VNJ's allegations of misrepresentation and lack of candor in our November, 2009 and February, 2010 letters<sup>9</sup>. Yet Fox has responded with a blatantly false and duplicitous "interpretation" of the Commission's straightforward language in an effort to circumvent the requested disclosure. In the Response Letter, Fox writes:

*... because any actual, potential or perceived incorrect or misleading information in Exhibit A to the August 26 Letters was corrected in connection with the September 4 Letter, any privileged communications between Fox and its counsel in connection with Fox's responses to the aforementioned VNJ and Media Access Project letters do not "discuss, reference or cure any actual, potential, or perceived incorrect or misleading information."*

Beyond noting again that the September 4 Letter fails completely to correct Fox's prior misrepresentations, the logical absurdity of this position merits no further discussion. We would, however, like to raise a few related points.

First, Fox's argument claims to reference only the log of privileged communications between Fox and its counsel. We note, however, that it has also failed to produce any non-privileged documents that were generated after the date of the September 4 Letter. In fact, Fox's total document production relating to the referenced inquiry consists of copies of its Opposition to Petition to Deny<sup>10</sup>, its Supplement to Petition for Modification of Permanent Waiver<sup>11</sup>, and a few innocuous emails relating to its preparations for the meeting referenced in the August 26 Letter.

Fox has failed to specifically state any reason for this unfathomably limited response to the Commission's inquiry<sup>12</sup>. This muteness would suggest one (or possibly both) of the following: i) Fox would seek to apply the same tortured logic to non-privileged disclosures as it has applied to the privileged communications log; or ii) all of the business communications relating to these issues were addressed to or copied to counsel in the likely event that Fox might later need to cloak them with a claim of legal privilege.

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<sup>9</sup> Op. cit., Sandorse letter dated November 27, 2009 to Julius Genachowski; Lovey letter dated February 15, 2010 to Julius Genachowski.

<sup>10</sup> Opposition to Petition to Deny, Fox Television Stations, Inc., in re: Application for Renewal of Station License of WWOR-TV, Secaucus, NJ File No. BRCT-20070201AJT, filed May 30, 2007

<sup>11</sup> Supplement to Petition for Modification of Permanent Waiver, Fox Television Stations, Inc., in re: Applications for Renewal of License of WWOR-TV and WNYW(TV), File Nos. BRCT20070201AJT and BRCT20070201AJs, filed June 23, 2008

<sup>12</sup> Op. cit., Bush letter dated April 4, 2011 to Marlene Dortch., p. 33 - 34.

If this second supposition is true, it would imply a belief by Fox that it will prove ultimately less damning to assert its obviously baseless argument than to produce even a privilege log describing these communications. Indeed, even the limited data of “who” and “when” that such a log would provide might well constitute far more information than Fox would want the Commission to know.

The practical impact of Fox’s stated position with regard to the requested document production is obvious. Up to and including the date of the September 4 Letter, Fox was actively engaged in concealing, rather than correcting, the misrepresentations in its August 26 Letter. Fox did not know, and had no reason to suspect, that its subtle alteration of verb tense in the September 4 Letter Exhibit (and subsequent, identical Exhibits) would not be adequate to shield its August 26 misrepresentations from scrutiny and comment. It was not until the issuance of VNJ’s November, 2009 letter<sup>13</sup> that Fox had any reason to believe that the Commission (or anyone else) would take notice.

Accordingly, Fox’s spurious claim that the Commission’s inquiry does not extend beyond its September 4 “correction” serves to shield the very documentation that is at the heart of the Commission’s inquiry. We hope and trust that the Commission will not accede to Fox’s counterfeit limitation on the scope of its document production, and will demand disclosure appropriate to the scope of its investigation.

#### Additional Misrepresentations in Fox’s Response Letter

Prior to the issuance of the Response Letter, Fox’s history of misrepresentation and lack of candor was already quite clear. It comes as little surprise, then, that Fox continues in this vein in the Response Letter and in subsequent communications with the Commission.

In the Response Letter, Fox claims a roster of 173 people employed by WWOR-TV at its Secaucus facility. It claims that the Station’s news department employs 32 full-time employees and that the station maintains a total of 11 news trucks (including seven “non-live” trucks). Historical staffing information provided in the Response Letter indicates staffing cuts of approximately 36% since early 2009.

The Declaration of Greg R. Hancox, attached as Exhibit B, responds to these assertions. Mr. Hancox is the President of Local 53 of the International Alliance of Theatrical Stage Employees, a union that has represented employees at WWOR-TV since 2002, and employees at its “sister station” WNYW(TV) since 1945. Mr. Hancox paints a very different picture of WWOR-TV’s staffing.

In his declaration, Mr. Hancox states that WWOR-TV employs only 69 employees at its Secaucus headquarters, and that eight of these employees are shared with WNYW(TV). He indicates that the number of full time news department employees claimed in Fox’s Response Letter is also overstated, as is

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<sup>13</sup> Op. cit., Sandorse letter dated November 27, 2009 to Julius Genachowski

the number of news trucks utilized at WWOR-TV. (He indicates that the station's one satellite news truck has seen virtually no use in the last three years). Mr. Hancox states that the WWOR-TV's staffing has been reduced by approximately 50% - 60% since 2009-- a figure well in excess of the staffing reductions depicted in Fox's Response Letter.

In his declaration Mr. Hancox provides a listing of full-time employees at WWOR-TV. It is noteworthy that his employee count is consistent with prior representations made by WWOR-TV management.

As part of Fox's response to VNJ's November, 2009 letter<sup>14</sup> Fox submitted a declaration by Audrey Pass, WWOR-TV's Senior Director of Communications and Public Affairs. In this January 5, 2010 declaration<sup>15</sup> Ms. Pass states:

*WWOR-TV continues to operate out of a 110,000 square-foot headquarters facility in Secaucus, New Jersey. The facility serves as the station's main studio. WWOR-TV employs more than 75 people.*

It seems highly unlikely that Ms. Pass would grossly understate the number of employees at the station, particularly in a declaration responding to VNJ's observations about WWOR-TV's staffing reductions. If the station really had 188 employees at the time of the declaration (as is claimed in the Response Letter)<sup>16</sup>, Ms. Pass surely would have offered up something stronger than "employs more than 75 people."

There is an explanation, of course, for the discrepancy between the employee counts in the Response Letter and those offered by Mr. Hancox and Ms. Pass. In its inquiry, the Commission posed a straightforward request for "the number of persons employed by the Station at the Secaucus, New Jersey facility,"<sup>17</sup> "In the Response Letter, Fox goes on for four pages,"<sup>18</sup> first protesting it "cannot provide a simple 'count' of employees that would accurately represent the personnel employed at the Secaucus facility", and then interpreting the language of the Commission's request so broadly as to include members of Fox's union negotiating team<sup>19</sup>, the Fox News Channel employee charged with looking after that operation's disaster recovery studio<sup>20</sup>, and irregular, part-time fill-in employees "for whom Fox has payroll records confirming that such employee was paid during at least one of the months covered by the Commission's inquiry."<sup>21</sup>

<sup>14</sup> Op. cit., Sandorse letter dated November 27, 2009 to Julius Genachowski.

<sup>15</sup> Letter dated January 5, 2010 to Julius Genachowski, Chairman, FCC from Antoinette Cook Bush and Jared S. Sher, Counsel to Fox Television Stations, Inc., MB Docket No. 07-260 (1/7/2010), Exhibit A

<sup>16</sup> Op. cit., Bush letter dated April 4, 2011 to Marlene Dortch., p. 16.

<sup>17</sup> Op. cit., Lake letter dated February 17, 2011 to Fox Television Stations, Inc., p. 4

<sup>18</sup> Op. cit., Bush letter dated April 4, 2011 to Marlene Dortch., p. 17 - 21.

<sup>19</sup> Ibid., p. 18, footnote 10.

<sup>20</sup> Ibid., p. 19, footnote 12.

<sup>21</sup> Ibid., p. 20.

Clearly, Fox has taken great care to specify its definition of “persons employed by the Station at the Secaucus, New Jersey facility,” and we cannot accuse it of misrepresentation. Their construction, however, is artificially contrived, and serves to so grossly inflate the employee count at WWOR-TV’s headquarters that it misleads the Commission and subverts the intent of its inquiry. This is the very essence of a lack of candor.

Fox has continued in this vein even beyond the Response Letter. Noting the ongoing nature of the Commission’s inquiries, Fox sent a letter on July 11, 2011 advising the Commission that WWOR-TV’s evening newscast was rescheduled from 11:00PM to 10:00PM as of June 27<sup>22</sup>. A programming change from late night to prime time would generally be viewed as a favorable development, and it is unsurprising that Fox would want to share this good news with the Commission. The letter is more significant, however, for what it does not say.

As set forth in the declaration of Greg R. Hancox, the scheduled broadcast time for WWOR-TV’s nightly newscast was reduced from 36 minutes to 27 ½ minutes concurrent with this change. This constitutes a 23% reduction in broadcast time for a station whose news programming was already less than 10% of its peer group average in the New York media market.

The station has also laid off additional staff-- the stage crew for the evening newscast (which had been four people in 2009) is now down to a single person. Still more layoffs are planned at WWOR-TV; station management plans to move 8 of the station’s existing 13 Master Control jobs to Las Vegas in August, 2011.

All of this information is clearly germane to the Commission’s ongoing inquiries in this matter. Just as clearly, the information was known to Fox prior to the issuance of the July 11 letter. In choosing to communicate only positive developments, Fox again displays an audacious of a lack of candor in its communications with the Commission.

### Summary and Conclusion

The renewal of WWOR-TV’s station license has been pending since 2007, and the cross-ownership waivers allowing News Corp. entities to simultaneously own WWOR-TV, WNYW(TV), and The New York Post expired at the end of 2008.

Since then, Fox has twice cut WWOR-TV’s already-deficient news and public affairs programming, and has time and again slashed the station’s staffing and operating budget. It has openly misrepresented its actions to the Commission, and has displayed an ongoing-- and truly appalling-- lack of candor even in the face of the Commission’s investigation. In its letters of April 4, 2011 and July 11,

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<sup>22</sup> Letter dated July 11, 2011 to Marlene Dortch, Secretary, FCC from Antoinette Cook Bush and Jared S. Sher, Counsel to Fox Television Stations, Inc., MB Docket No. 07-260 (7/12/2011).



2011, Fox carefully parses information and language, discloses only information that it deems favorable to its interests, and buries or obscures the rest.

Once again, we thank the Commission for opening its investigation, and we urge you to take decisive action in this matter

Sincerely,

A handwritten signature in blue ink, appearing to read "Charles Lovey", with a long horizontal stroke extending to the right.

Charles Lovey, Member  
Voice for New Jersey

copy (via email):     Chairman Julius Genachowski  
                                 Commissioner Michael J. Copps  
                                 Commissioner Robert M. McDowell  
                                 Commissioner Mignon Clyburn  
                                 Fox Television Stations, Inc. via its counsel,  
                                 Antoinette Cook Bush, Esq. (also via regular mail)

# EXHIBIT A



# News Corporation

444 NORTH CAPITOL STREET, N.W. • SUITE 740 • WASHINGTON, D.C. 20001  
202-824-6502 • FAX 202-824-6510 • e-mail: moconnell@newscorp.com

September 24, 2009

MAUREEN A. O'CONNELL  
SENIOR VICE PRESIDENT  
REGULATORY AND GOVERNMENT AFFAIRS

## VIA HAND DELIVERY AND ELECTRONIC FILING

Marlene Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, DC 20554

RE: WWOR-TV Renewal Application  
File No. BRCT-20070201AJT  
Notice of *Ex Parte* Presentation  
MB Docket No. 07-260

Dear Ms. Dortch:

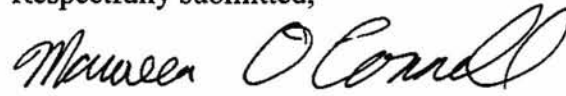
On September 23, 2009, Dennis Swanson, President, Fox Station Operations, Maureen O'Connell, Senior Vice President, Regulatory and Government Affairs, News Corporation and Joe DiScipio, Vice President, Legal and FCC Compliance, Fox Television Stations, Inc., held separate meetings with Commissioner Clyburn and Rick Kaplan of the Commissioner's office and with William Freedman of Commissioner Baker's office to discuss the license renewal application of television station WWOR-TV, Secaucus, NJ.

During the meetings, Mr. Swanson described the exemplary service that WWOR-TV has provided, and continues to provide, to television viewers in Northern New Jersey. Mr. Swanson also explained how the global financial crisis has dramatically hurt the station's economic fortunes. Furthermore, he pointed out that once the financial crisis ends, WWOR-TV still will have to compete against a whole variety of alternative media, from cable and satellite channels to the Internet – all of which are luring away more and more of the advertising dollars that have comprised WWOR-TV's revenue stream. Given all of these difficulties, and especially in light of how well WWOR-TV continues to serve New Jersey notwithstanding these challenges, Mr. Swanson urged the Commission not to impose on the station onerous conditions that no other broadcaster is forced to confront.

The Commission has accorded permit-but-disclose status under the *ex parte* rules to WWOR-TV's license renewal application proceeding (*see* Public Notice, FCC 07-114, rel. June 19, 2007). Pursuant to Section 1.1206(b) of the Commission's Rules, an original and copy of this letter are being submitted to the Secretary's office. Copies also are being provided to the Commission staff that attended the meeting and to Barbara Kreisman and Best Copy and Printing, Inc., per the Public Notice.

Should you have any questions concerning this matter, please do not hesitate to contact the undersigned.

Respectfully submitted,

A handwritten signature in black ink, reading "Maureen O'Connell". The signature is fluid and cursive, with the first name "Maureen" written in a larger, more prominent script than the last name "O'Connell".

Maureen O'Connell

cc (via email): Commissioner Clyburn

Rick Kaplan

William Freedman

Barbara Kreisman

Dave Roberts

Best Copy and Printing, Inc.

Angela J. Campbell, Counsel, Office of Communication, United  
Church of Christ

# EXHIBIT B

## DECLARATION

I, Greg R. Hancox, am the President of Local 59 of The International Alliance of Theatrical Stage Employees. Our union has represented members employed by WNYW-TV since 1945 and WWOR-TV since 2002. Based on information which has been made available to me and which I consider to be reliable, I hereby state as follows:

- 1) I have reviewed the April 4, 2011 letter to the Federal Communications Commission from Antoinette C. Bush, counsel to Fox Television Stations, which provides information responsive to FCC inquiries relating to WWOR-TV's news and public affairs programming, and its staffing levels (hereinafter the "April letter").
- 2) The April letter states that there are 173 persons employed at WWOR-TV's Secaucus facility as of March 25, 2011 (page 17, column 4(a)). This figure is grossly in excess of the number of people working at the facility each day; as it includes irregular part-time and freelance employees who are "available to work."
- 3) Actual staffing at WWOR-TV's Secaucus facility, as of May 16, 2011, is 69 full time staff. Eight of these employees split their time between WWOR-TV and WNYW-TV in New York. The staff count is broken down as follows:

Stage	2
Engineers	3
Maintenance	5
Master Control	13
Directors	2
anchors / In-Studio	4 (2 split time)
Reporters	2
Producers	4 (1 splits time)
Assignment Desk	3
Writers	5
Editors	4
Production Assistants	1
Shooters	4
News Managers	3
IT	1 (1 splits time)
Managers	3 (2 split time)
Programming	2 (1 splits time)

Building Maintenance	3 (1 splits time)
Security	2
Traffic	3

Actual staffing at WWOR-TV has been reduced by approximately 50% - 60% since 2009.

- 4) The April letter states that WWOR-TV employs 32 full time news department employees at the Secaucus facility as of March 25, 2011 (page 17, columns 4(b) and 4(c)). This is incorrect. The station currently employs 28 employees in news gathering operations. WWOR-TV employs 4 full-time photographers and 4 full-time editors, not 6 photographers and 6 editors as indicated in the April letter.
- 5) Other representations in the April letter contain further inaccuracies. On page 18 the letter references:

*the management, human resources, and other back office staff who are employed at and responsible for both WWOR-TV and WNYW(TV) and who are present in the Secaucus, New Jersey facility at least once per week (consisting of 6 or 7 people during each of the reported time periods);*

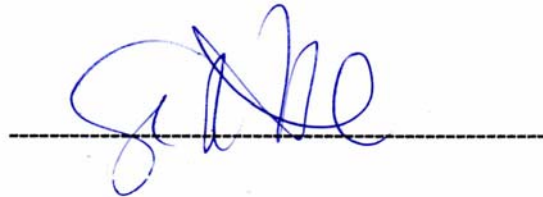
In fact, there are no human resource people present at the WWOR facility. WWOR-TV employees must call WNYW or the headquarters office in California to speak with human resources staff.

- 6) The April letter states that WWOR-TV currently utilizes a satellite news truck and three other news trucks (page 17, column 4(e)). In fact, the satellite truck has rarely if ever been utilized during the last three years.
- 7) WWOR-TV makes use of only three news trucks. The trucks are deployed from 7:45am-11:45pm Monday thru Friday. One truck with one photographer and one reporter cover the state from 7:45am -3:00pm. Two trucks (each having one photographer and one reporter) cover the state from 3:00pm - 8:00pm. At 8pm one of these trucks returns to Secaucus so that the photographer can cover reduced staffing in studio. The other truck stays out until 11:45.
- 8) Since the date of the April letter, WWOR-TV once again changed its news programming schedule and further reduced its scheduled broadcast time. On June 27, 2011, WWOR-TV's nightly news program was moved from the 11:00PM time slot and returned to 10:00PM. With this change, the program's scheduled broadcast time has been reduced from 36 minutes to 27 ½ minutes.
- 9) Additional layoffs have taken place since date of the April letter. With the reduced time of the news broadcast, the stage crew (which was

reduced from four to two people in July, 2009) has again been reduced--this time to a single person.

- 10) Even more layoffs are planned. Station management plans to move 8 of the existing 13 Master Control jobs out of New Jersey to Las Vegas, NV sometime in August, 2011.

I hereby swear that the foregoing is true and correct to the best of my knowledge, information and belief.



Date: July 22, 2011

By: Greg R. Hancox  
President, Local 59, IATSE